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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOSEPH D. LENTO, ESQ., an individual,
LENTO LAW FIRM, LLC, a limited
liability company,

Plaintiffs,

v.

KEITH ALTMAN, ESQ., an individual,
THE LAW OFFICE OF KEITH ALTMAN,
PLLC, a/k/a “K ALTMAN LAW”, a limited
liability company, ARI KRESCH, an
individual, and RICHARD GILL, an
individual,

Defendants.

Civil Action No.: 1:22-cv-04840

Hon. Robert B. Kugler

**DEFENDANTS’, KEITH ALTMAN AND LAW OFFICE OF KEITH
ALTMAN, PLLC, MOTION TO DISMISS**

Come now Defendants Keith Altman (“Altman”) and Law Office of Keith Altman, PLLC (“KA Law”) and move this honorable Court for a Motion to Dismiss. In support of said Motion, the Defendants state as follows:

1. Plaintiffs, Joseph Lento and Lento Law Firm, LLC, filed an Amended Complaint on August 30, 2022 (ECF 15) (“Amended Complaint”), against Altman and KA Law.¹

2. Defendants Ari Kresch and Richard Gill filed a separate Motion to Dismiss and supporting Brief.

3. Plaintiffs fraudulently filed this lawsuit with the information, knowledge, and belief that Altman provided the legal services for which he was hired by Plaintiffs as a 1099 employee.

4. Plaintiffs fraudulently filed this lawsuit with the information, knowledge, and belief that Plaintiffs owed Altman fees for the legal services he performed.

5. Plaintiffs have failed to state a claim for which relief can be granted. Federal Rule of Civil Procedure 12(b)(6) states that a defendant is entitled to a dismissal of a plaintiff’s complaint when a plaintiff “fails to state a claim upon which relief can be granted.” *See* Fed. R. Civ. P. 12(b)(6).

¹ Plaintiffs’ Amended Complaint also names Defendants, Ari Kresch and Richard Gill, which are included in Counts I and II, only.

6. Plaintiffs' Amended Complaint does not contain sufficient factual information to be accepted as true.

7. Plaintiffs' Amended Complaint fails the test for "facial plausibility". The "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007), *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009).

8. Plaintiffs' claims do not allow a commonsense determination and only infer the possibility of misconduct and therefore should be dismissed. *Fowler v. UPMC Shadyside*, 578 F.3d 203, 211 (3d Cir. 2009). *See Cronin v. Bergmann*, No. 14-4663, 2014 U.S. Dist. LEXIS 147542, at *5 (E.D. Pa. Oct. 16, 2014).

9. Plaintiffs' have failed to provide any evidence to support their alleged claims and damages that resulted from the alleged claims.

10. Plaintiffs' claims are frivolous and without merit.

WHEREFORE, PREMISES CONSIDERED, Defendants, Altman and Law Offices of Keith Altman, PLLC move this honorable Court based on the facts, evidence and case law set out in the contemporaneously filed Brief in Support dismiss with prejudice all counts so pled against them by Plaintiffs, award attorneys' fees and costs, and for all justice to which they are entitled.

Dated: November 14, 2022

Respectfully submitted,

/s/ Solomon M. Radner

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